

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7290

BILL NUMBER: SB 189

DATE PREPARED: Jan 21, 2001

BILL AMENDED:

SUBJECT: Sales Tax on Food Sold in Vending Machines.

FISCAL ANALYST: John Parkey

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State

STATE IMPACT	FY 2001	FY 2002	FY 2003
State Revenues		(5,900,000)	(6,200,000)
State Expenditures			
Net Increase (Decrease)		(5,900,000)	(6,200,000)

Summary of Legislation: This bill provides that a food item sold from a vending machine may fall within the category of "food for human consumption" and may therefore be exempt from the sales tax. (Current law specifically excludes food sold from a vending machine from the category of food for human consumption and thus makes vending machine food subject to the sales tax.) The bill creates a new category ("food for immediate human consumption") to refer to certain types of food (including restaurant food, take out food, and catered food) that are excluded from the category of food for human consumption and are therefore subject to the sales tax. It does not designate vending machine food as a food for immediate human consumption.

Effective Date: July 1, 2001.

Explanation of State Expenditures: The Department of State Revenue could incur additional administrative expenses associated with accommodating these changes.

Explanation of State Revenues: (Revised) This proposal will make items sold through vending machines subject to the same exemptions that apply to items sold through other means. (Under current law, all items sold through vending machines are taxable, including food items that would be tax exempt if sold in a store.) The exemptions created by this bill are estimated to reduce sales tax revenue by \$5.9 M in FY 2002 and \$6.2

M in FY 2003.

This analysis assumed that sales of snack foods, juice, packaged microwavable foods, fruit, and dairy products would become exempt from the sales tax. Sales of candy, gum, soft drinks, hot beverages, and prepared take-out products, such as slices of pie and sandwiches, were assumed to remain taxable.

To estimate the impact of this bill on vending machine sales tax revenue, vending machine sales data were collected from two industry sources: Automatic Merchandiser and Vending Times. Using 1999 sales data from Automatic Merchandiser resulted in an estimated reduction of sales tax revenue in FY 2002 of \$6.1 M and a reduction of \$6.4 M in FY 2003. Estimates based on 1998 data from Vending Times resulted in an FY 2002 impact of \$5.6 M and an FY 2003 impact of \$5.9 M. These estimates assumed a yearly 4.84% increase in Indiana vending machine sales (the estimated yearly growth rate in sales tax revenue from FY 1999 to FY 2003). The mid-point of these estimates for each fiscal year shows a reduction in sales tax revenue of approximately \$5.9 M in FY 2002 and \$6.2 M in FY 2003.

Gross Retail (Sales) and Use taxes are deposited in the State General Fund (59.03%), the Property Tax Replacement Fund (40%), the Public Mass Transportation Fund (0.76%), the Industrial Rail Service Loan Fund (0.04%), and the Commuter Rail Service Fund (0.17%).

The annual reductions to these funds for FY 2002 are estimated to be:

State General Fund	\$ 3,482,770
Property Tax Replacement Fund	\$ 2,360,000
Public Mass Transit Fund	\$ 44,840
Industrial Rail Service Loan Fund	\$ 10,030
Commuter Rail Service Fund	\$ 2,360
Total	<u>\$ 5,900,000</u>

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of State Revenue.

Local Agencies Affected:

Information Sources: Vending Times, "Census of the Industry, 1998"; Automatic Merchandiser, "2000 State of the Vending Industry Report"; U.S. Census Bureau; *December 19, 2000, Revenue Forecast Update*.